

July 19, 2012

To Whom It May Concern:

Re: Proposed MCR 1.111 and 8.127

I have been an interpreter in the court in Oceana County for over 30 years. I have had many experiences both as a paid translator and as a volunteer for individuals. I urge the adoption of Alternative B as proposed in the letter from Susan E. Reed and the Michigan Coalition for Immigrant & Refugee Rights.

In my experience and opinion, a translator is called in at the last minute, right before the accused appears before the judge. The situation that presents is the following: a lawyer, who is very familiar with the law and a defendant who is not familiar with the law. The lawyer does not have any real knowledge of the client he is representing and much is lost in the arena of Justice and the Guarantee that an accused person is informed and UNDERSTANDS his rights and the process.

The other areas of need are definitely in the area of the Friend of the Court and the County Clerks office. Our local Friend of the Court makes it the responsibility of the parties to bring a translator. There is no consideration for the ability and appropriateness of the individual translator. In Family Court matters it should be of utmost importance to have a qualified individual translating, both for accuracy and the safety of children and individuals. The County Clerk's office issues important documents. Birth Certificates, Marriage licenses, Passport applications, etc. The need to verify identity and accuracy is imperative. How can the clerk take any individuals word that they are translating truthfully and they are qualified and trustworthy? Is the simple fact, that the translator is known in the community sufficient to qualify the individual as a translator?

I could provide many instances where, I feel that Justice has been compromised due to the either the inappropriate translation or the lack of understanding because of the frustration of the Judge, lawyers and clerks not wanting to take the time necessary to make sure that the defendant understands. I am currently a translator for Mercy Health Partners, I was employed at Michigan Department of Social Services for twenty-five years. I have translated for the Secretary of State and the Oceana County District Court. Each of these entities have very specific vocabularies and a translator must comprehend the meaning of the words in two or more languages and be able to express them correctly and accurately.

I urge the Court to provide guidelines that would guarantee competent, disinterested individuals as translators in court proceedings, in court offices, mediation and other services mandated by law.

Respectfully,

Penny S. Burillo

